

**TABITHA HOLT,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** ) **Case No.**  
 )  
 **UNITED SPECIALTY INSURANCE** )  
 **COMPANY** )  
 **And** )  
 **ZX INTERNATIONAL, INC.,** )  
 ) **State Court Pleading No. 2216-CV11477**  
 **Defendants.** )  
 )

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant United Specialty Insurance Company (“USIC”) removes to the United States District Court for the Western District of Missouri the action captioned *Tabitha Holt v. United Specialty Ins. Co., et al., Case No. 2216-CV11477*, currently pending in the Circuit Court of Jackson County, Missouri. USIC removes this case on the grounds of diversity jurisdiction under 28 U.S.C. § 1332. USIC states the following as grounds for removal.

3. Defendant USIC was served with the Summons and Petition on June 22, 2022.

4. Defendant USIC has not filed an Answer to the Petition or otherwise appeared in this case.

#### **BASIS FOR FEDERAL COURT ORIGINAL JURISDICTION**

5. Plaintiff's Petition seeks damages in excess of \$75,000 against Defendant, exclusive of interest and costs.

6. According to the Petition, Plaintiff is a resident of Ohio.

7. Defendant USIC is a Delaware corporation with its principal place of business in Bedford, Texas.

8. Defendant ZX International, Inc., upon information and belief, is a California corporation with a principal place of business in California. According to the Petition, ZX International, Inc., is a California Corporation with a service address located in La Puente, California.

9. Regarding the true properly joined parties in interest, this is a civil action between citizens of different states within the meaning of 28 U.S.C. § 1332(a)(1) and (c)(1).

10. Because this action is between citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interest and costs, this Court has original jurisdiction over the claims alleged in Plaintiff's Petition under 28 U.S.C. § 1332(a).

#### **PROPRIETY OF REMOVAL**

11. This Court has original jurisdiction of this matter under 28 U.S.C. § 1332(a).

12. This Notice of Removal is timely because it is filed within thirty (30) days of USIC's receipt of the Petition in accordance with 28 U.S.C. § 1446(b) and (c).

13. Neither Defendant is a citizen of Missouri.

14. This matter is properly removable under 28 U.S.C. § 1441(a) and (b).

15. Removal of this matter is not barred by 28 U.S.C. § 1445.

16. Pursuant to 28 U.S.C. § 1446(a), USIC has attached hereto as Exhibit A copies of all process, pleadings and orders served upon it in this matter.

17. Pursuant to 28 U.S.C. § 1446(d), USIC will file a copy of this Notice of Removal with the Circuit Court of Jackson County, Missouri and will provide prompt notice to all adverse parties.

WHEREFORE, Defendant United Specialty Insurance Company removes the above-captioned action from the Circuit Court of Jackson County, Missouri, to the United States District Court for the Western District of Missouri.

Respectfully submitted,

DYSART TAYLOR COTTER  
McMONIGLE & BRUMITT, P.C.

By: /s/ John F. Wilcox, Jr.

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ATTORNEYS FOR DEFENDANT  
UNITED SPECIALTY INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I certify that on July 22, 2022, a true copy of the foregoing document was filed via the Court's electronic filing system, which will transmit notice of said filing via electronic mail to counsel of record for the parties as follows:

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ATTORNEYS FOR PLAINTIFF

*/s/ John F. Wilcox, Jr.*  
**ATTORNEYS FOR DEFENDANT  
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COMPANY**